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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

ANDREA RENOJ-XILOCH, Petitioner, VS. MARKWAYNE MULLIN, Secretary, United States Department of Homeland Security; RODENY S. SCOTT, Commissioner, United States Customs and Border Protection; JAIME RIOS in his official capacity as Acting Field Office Director for Los Angeles, U.S. Immigration and Customs Enforcement; EDDY WANG, Special Agent in Charge for Los Angeles, Homeland Security Investigations, U.S. Immigration and Customs Enforcement; WARDEN OF ADELANTO ICE PROCESSING CENTER, in his/her capacity as warden of the ADELANTO ICE PROCESSING CENTER, and DOES 1 to 10, INCLUSIVE. Respondents.	Case No. Agency No. [redacted] **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

INTRODUCTION

1. Petitioner ANDREA RENOJ-XILOCH seeks a writ of habeas corpus because Respondents continue to deprive her of her physical liberty in violation of the Fifth Amendment and the Immigration and Nationality Act.
2. This case presents an important constitutional question that arises after, not before, a federal court has already granted habeas relief.
3. Unlike the growing number of cases challenging the Government's refusal to provide an individualized custody determination, Petitioner has already prevailed on that issue. Respondents thereafter afforded Petitioner what purported to be an individualized custody hearing before an Immigration Judge. Yet the proceeding failed to provide the meaningful process that the Constitution requires.
4. The Government cannot satisfy due process merely by convening a hearing in name alone. The Fifth Amendment guarantees a meaningful opportunity to challenge detention before a neutral decisionmaker who genuinely evaluates the evidence and determines whether continued imprisonment is necessary. That did not occur here.
5. The Immigration Judge conducted an extraordinarily abbreviated custody proceeding that culminated in Petitioner's continued detention based upon a

conclusory finding that she presented a flight risk, despite overwhelming unrebutted evidence demonstrating precisely the opposite.

6. Petitioner presented substantial evidence establishing:

(a) more than twenty-fone years of continuous residence in the United States;

(b) four United States citizen children;

(c) longstanding employment history;

(d) extensive family and community ties;

(e) no criminal history whatsoever;

(f) a stable residence available upon release;

(g) a financially qualified United States citizen sponsor;

(h) pending applications for relief from removal; and

(i) every conceivable incentive to continue appearing before the Immigration Court.

7. None of those factors meaningfully altered the outcome. Instead, the hearing functioned as little more than a procedural formality preceding a predetermined result.

8. The Constitution demands considerably more before the Government may continue depriving an individual of physical liberty.

9. The Supreme Court has repeatedly recognized that "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause."

10. Recently, federal courts reaffirmed those constitutional principles in granting habeas relief to another immigration detainee whose previously recognized liberty had been revoked without constitutionally adequate procedures. Courts held that a noncitizen acquires a protected liberty interest when the Government grants release during removal proceedings and that continued detention without a genuinely individualized determination violates the Fifth Amendment.

11. That reasoning applies with even greater force here. Unlike the petitioner in many habeas cases, Ms. Renoj-Xiloch actually received the hearing that the Constitution required. The problem is that the hearing itself failed to satisfy the constitutional standards recognized by the federal courts. Due process protects substance, not ceremony.

12. A hearing that ignores substantial unrebutted evidence, fails to meaningfully evaluate the statutory custody factors, relies upon generalized assumptions applicable to millions of similarly situated respondents, and provides only

conclusory findings cannot satisfy the individualized process that the Fifth Amendment requires.

13. Respondents therefore continue to imprison Petitioner notwithstanding the absence of a constitutionally adequate determination that continued detention is necessary to protect the public or ensure Petitioner's future appearance.

14. Because Respondents have failed to provide the meaningful individualized process required by the Constitution, Petitioner's continued detention remains unlawful.

15. Under these circumstances, another remand for yet another custody hearing would inadequately protect Petitioner's constitutional rights.

16. The Government has now been afforded a full opportunity to justify Petitioner's detention.

17. It failed to do so in a constitutionally sufficient manner. Habeas corpus exists precisely to remedy continuing unlawful executive detention.

18. Petitioner therefore respectfully requests that this Court issue the writ, declare her continued detention unconstitutional, order her immediate release under appropriate conditions of supervision, restore the liberty interest previously recognized by law, and prohibit Respondents from again

depriving Petitioner of that liberty absent constitutionally adequate procedures.

JURISDICTION AND VENUE

19. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is presently in custody under the authority of the United States Department of Homeland Security in violation of the Constitution and laws of the United States.

20. This Court additionally possesses jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution, laws, and treaties of the United States, including the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

21. Declaratory and further relief are authorized by 28 U.S.C. §§ 2201 and 2202 because an actual controversy exists concerning the legality of Petitioner's continued detention.

22. The Suspension Clause preserves the historic availability of the writ of habeas corpus for individuals challenging unlawful executive detention. U.S. Const. art. I, § 9, cl. 2.

23. Petitioner does not challenge any order of removal entered in hier immigration proceedings. Nor does Petitioner seek review of the Attorney

General's discretionary determinations regarding removability or ultimate eligibility for relief from removal.

24. Instead, Petitioner challenges only the constitutional adequacy of the procedures employed to justify her continued detention after a federal court ordered that she receive an individualized custody determination.

25. The present Petition therefore concerns the legality of Petitioner's ongoing physical confinement rather than the validity of any removal proceedings.

26. As numerous courts have recognized habeas jurisdiction remains available where a petitioner challenges the legality of immigration detention itself rather than the merits of removal proceedings.

27. Accordingly, this action is not barred by 8 U.S.C. §§ 1252(a)(5), 1252(b)(9), or 1252(g), because Petitioner does not seek review of a removal order or any discretionary prosecutorial decision to commence or execute removal proceedings.

28. Rather, Petitioner seeks review of whether Respondents have continued to deprive her of physical liberty through procedures that satisfy the Due Process Clause after a federal court previously required an individualized custody determination.

29. This Court therefore possesses jurisdiction to determine whether Petitioner's present detention complies with the Constitution.

VENUE

30. Venue is proper in the Central District of California pursuant to 28 U.S.C. § 1391(e) because Petitioner is detained within this District, Respondents exercise custody over Petitioner within this District, and a substantial part of the events giving rise to the present Petition occurred within this District.

31. Respondents exercise authority over Petitioner's detention within this District. A substantial part of the events and omissions giving rise to this action occurred within this District. Petitioner's immediate custodian is located within this District.

32. This Court therefore possesses territorial jurisdiction to grant habeas relief.

REQUIREMENTS OF 28 U.S.C. § 2243

33. Pursuant to 28 U.S.C. § 2243, this Court must grant the writ or issue an Order to Show Cause unless it appears from the petition that Petitioner is not entitled to relief.

34. Because Petitioner alleges ongoing detention in violation of the Constitution and laws of the United States, issuance of an Order to Show Cause is appropriate.

35. Petitioner respectfully requests expedited consideration because this action concerns a continuing deprivation of physical liberty.

THIS PETITION CHALLENGES A NEW AND CONTINUING CONSTITUTIONAL INJURY

36. This Petition does not seek reconsideration of the constitutional questions resolved in Petitioner's prior habeas proceeding. Those proceedings established Petitioner's entitlement to an individualized custody determination consistent with the Due Process Clause.

37. Respondents thereafter conducted a custody hearing before an Immigration Judge. The constitutional injury challenged here arose after that hearing concluded.

38. Although Respondents purported to comply with the prior federal judgment, the procedures actually employed failed to provide the meaningful individualized determination that due process requires.

39. The Fifth Amendment does not guarantee merely the appearance of process. It guarantees procedures reasonably calculated to ensure that a person's liberty is not withdrawn arbitrarily or on the basis of generalized assumptions.

40. Where, as here, the Government conducts a custody hearing but fails to meaningfully evaluate the evidence bearing on danger, flight risk, and the

availability of less restrictive alternatives, the constitutional deprivation continues notwithstanding the occurrence of the hearing itself.

41. Petitioner's present detention therefore rests upon a new and continuing constitutional violation that is independently cognizable under 28 U.S.C. § 2241.

EXHAUSTION IS SATISFIED OR, ALTERNATIVELY, EXCUSED

42. Petitioner has pursued every meaningful administrative procedure available to challenge her detention. Alternatively, exhaustion should be excused because further administrative review cannot provide timely or adequate relief from Petitioner's continuing loss of liberty.

43. The constitutional issues presented here concern the adequacy of the process afforded during the custody hearing itself and the continuing legality of Petitioner's detention under the Fifth Amendment.

44. Those questions fall squarely within the traditional role of the writ of habeas corpus and are particularly appropriate for immediate judicial review where continued physical confinement is at stake.

45. Moreover, requiring Petitioner to await the completion of administrative appellate proceedings would substantially undermine the very liberty interests the writ exists to protect.

46. Habeas corpus has long served as the traditional mechanism for prompt judicial review of executive detention, particularly where the alleged constitutional violation is ongoing and each additional day of confinement constitutes a renewed deprivation of physical liberty.

47. Immediate judicial review is therefore both appropriate and necessary.

PARTIES

48. Petitioner ANDREA RENOJ-XILOCH ("Petitioner") is a native and citizen of Guatemala currently detained by the United States Department of Homeland Security ("DHS") through U.S. Immigration and Customs Enforcement ("ICE"). Petitioner has been continuously detained by ICE since approximately 2007. Petitioner is presently confined at the ADELANTO ICE PROCESSING CENTER in Adelanto, California, located within the jurisdiction of this Court.

49. Petitioner is subject to ongoing removal proceedings before the Executive Office for Immigration Review ("EOIR").

50. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security (DHS). As Secretary Respondent MULLIN exercises ultimate authority over DHS and its component agencies, including U.S. Customs and Border Protection ("CBP") and U.S. Immigration and Customs Enforcement ("ICE"), and is responsible for the

administration and enforcement of the Immigration and Nationality Act ("INA"). He is sued in his official capacity.

51. Respondent RODNEY S. SCOTT is the Commissioner of U.S. Customs and Border Protection ("CBP"), a component agency of DHS. In this capacity, Respondent SCOTT is responsible for the policies, practices, and operations of CBP, including the apprehension and initial processing of individuals alleged to be inadmissible under the INA. He is sued in his official capacity.

52. Respondent JAIME RIOS is the Acting Field Office Director for the Los Angeles Field Office of U.S. Immigration and Customs Enforcement ("ICE"), a component agency of DHS. In this role, Respondent RIOS exercises direct supervisory authority over ICE Enforcement and Removal Operations ("ERO") officers responsible for the detention, transfer, and release of individuals within this District, including those held at the ADELANTO ICE PROCESSING CENTER. He is the immediate custodian of Petitioner and is sued in his official capacity.

53. Respondent EDDY WANG is the Special Agent in Charge for the Los Angeles office of Homeland Security Investigations ("HSI"), a component division of ICE within DHS. This office also covers the San Bernardino region. In this capacity, Respondent Wang oversees investigations and

enforcement operations in the Los Angeles area that lead to the apprehension and referral of individuals to ERO for detention. He is sued in his official capacity.

54. WARDEN OF ADELANTO ICE PROCESSING CENTER, as warden of the ADELANTO ICE PROCESSING CENTER, the Warden oversees the detention center in which petitioner is housed. The warden is sued in his/her official capacity

55. Respondents DOES 1 through 10 are additional officers, agents, or employees of the United States whose identities are currently unknown, and who are responsible in whole or in part for the unlawful acts alleged herein. Petitioner will amend this Petition to allege their true names and capacities when they are ascertained.

FACTUAL BACKGROUND

A. Petitioner's Longstanding Residence, Family, and Community Ties

56. Petitioner ANDREA RENOJ-XILOCH is a native and citizen of Guatemala. Petitioner has continuously resided in the United States since approximately 2007—a period spanning more than twenty-one years. Throughout that time, she has established deep family, employment, and community ties within Southern California.

57. Petitioner is the devoted mother of four United States citizen children.

58. Her eldest child, a female, seventeen years of age, and a senior in high school, has excelled in her studies and is now fully focused on attending a university.

59. Throughout her decades in the United States, Petitioner has consistently worked to support her family. Prior to her detention, Petitioner maintained steady employment as a street vendor, in order to supplement the family's financial burden.

60. Petitioner has no criminal history. There is no evidence that Petitioner has ever committed an act of violence, threatened public safety, or otherwise presented any danger to the community.

61. Petitioner likewise has substantial family support available upon release.

62. During the custody proceedings, Petitioner submitted evidence demonstrating that a United States citizen agreed to sponsor her, provide financial assistance, and ensure her continued compliance with all immigration proceedings. The sponsor submitted a sworn declaration together with proof of United States citizenship and financial documentation establishing the ability to provide such support.

63. The bond record therefore established that Petitioner possessed stable housing, financial support, extensive family ties, and every practical incentive to continue appearing before the Immigration Court.

B. Petitioner's Apprehension Raises Significant Constitutional Concerns

64. On or about November 2025, Petitioner was encountered during an interior immigration enforcement operation conducted in Los Angeles County.

65. Petitioner was not apprehended while attempting to enter the United States. She was not encountered at or near an international border. She was not encountered at a port of entry.

66. Rather, Petitioner had lived openly within the United States for decades before immigration officers encountered her during a broad interior enforcement operation. The Notice to Appear itself alleges only that she was present in the United States without admission or parole and does not suggest that she had recently entered the country.

67. The courts have repeatedly expressed concern regarding an interior enforcement operation that lacked any apparent individualized basis for selecting the petitioner for questioning.

68. As courts have observed, constitutional concerns arise where individuals are approached during broad immigration enforcement operations without any apparent individualized basis to believe they pose a danger to the public or are likely to abscond. Those concerns are equally present here.

69. Nothing in the administrative record suggests that Respondents possessed individualized evidence indicating that Petitioner posed a danger to the community.

70. Likewise, nothing suggests that Respondents possessed individualized evidence demonstrating that Petitioner intended to flee or evade future immigration proceedings.

71. Instead, Petitioner's detention began not because of any newly discovered misconduct or changed circumstance, but because she happened to be encountered during an interior enforcement operation.

C. Prior Habeas Relief

72. Following her detention, Petitioner sought federal habeas corpus relief after immigration authorities denied her access to an individualized custody determination.

73. The District Court granted the Petition for Writ of Habeas Corpus and ordered that Petitioner receive a constitutionally adequate bond hearing before an Immigration Judge.

74. The District Court thereby recognized that Petitioner's continued detention could not lawfully continue absent an individualized determination regarding danger to the community and risk of flight.

75. Respondents thereafter scheduled a custody redetermination hearing before the Immigration Court.

76. The purpose of that hearing was not merely to satisfy a procedural formality. Rather, it was intended to provide the individualized constitutional process that had previously been denied.

77. Petitioner was later provided with a Rodriguez Bond hearing. However, the same Immigration Judge applied the same logic to the denial.

D. The Bond Hearing Failed to Provide the Meaningful Individualized Determination Required by Due Process

78. Prior to the hearing, Petitioner submitted extensive documentary evidence addressing every traditional custody factor recognized under Matter of Guerra.

79. The Government did not present evidence demonstrating that Petitioner posed a danger to the community. Nor did the Government identify any changed circumstances arising after Petitioner's decades of peaceful residence that would justify continued incarceration.

80. Nevertheless, following an extraordinarily brief proceeding, the Immigration Judge denied bond after concluding that Petitioner presented a flight risk.

81. The Immigration Judge reached that conclusion despite Petitioner's overwhelming unrebutted evidence demonstrating long-term residence,

family stability, employment history, community support, and the complete absence of criminal conduct.

82. The resulting custody determination failed to meaningfully distinguish Petitioner from the millions of other noncitizens who likewise entered without inspection yet have established longstanding lives in the United States.

83. Generalized characteristics commonly associated with immigration proceedings—including unlawful entry, lack of lawful immigration status, or the theoretical possibility that an individual could fail to appear—cannot, standing alone, establish that a particular individual presents an unmitigable risk of flight.

84. Were those generalized characteristics alone sufficient, virtually every respondent charged under INA § 212(a)(6)(A)(i) could be detained indefinitely without regard to individualized evidence.

85. Such a result would transform what the Constitution requires to be an individualized custody determination into a categorical rule of detention. The Due Process Clause requires considerably more before the Government may continue depriving a person of her physical liberty.

86. Because the hearing failed to provide the meaningful individualized determination required by the Fifth Amendment, Petitioner's continued

detention remains unconstitutional notwithstanding the occurrence of the hearing itself.

CONSTITUTIONAL AND STATUTORY FRAMEWORK

87. The Fifth Amendment provides that no person shall be deprived of life, liberty, or property without due process of law. U.S. Const. amend. V.

88. Those constitutional protections extend to every person physically present within the United States, including noncitizens subject to immigration proceedings. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Reno v. Flores*, 507 U.S. 292, 306 (1993).

89. Freedom from physical restraint occupies a unique place among the liberties protected by the Due Process Clause. As the Supreme Court has repeatedly recognized, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the core of the liberty protected by the Due Process Clause." *Zadvydas*, 533 U.S. at 690.

90. Immigration detention, although civil rather than criminal, constitutes a profound deprivation of liberty and therefore remains subject to meaningful constitutional limitations.

91. The Supreme Court has consistently emphasized that civil immigration detention is constitutionally permissible only because it serves regulatory—

not punitive—purposes. *Demore v. Kim*, 538 U.S. 510, 527-28 (2003); *Zadvydas*, 533 U.S. at 690.

92. Consequently, detention may continue only insofar as it reasonably serves legitimate governmental interests, including protecting the community and ensuring a respondent's appearance at future proceedings. Because those governmental interests necessarily depend upon the circumstances of the individual detainee, due process requires individualized decision-making rather than categorical assumptions.

A. The Constitution Requires Meaningful Individualized Process Before Liberty May Be Withdrawn

93. Procedural due process requires more than the mere occurrence of a hearing.

94. The Supreme Court has long recognized that "[d]ue process is flexible and calls for such procedural protections as the particular situation demands." *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). Under *Mathews*, courts evaluate:

a. the private liberty interest affected;

b. the risk of erroneous deprivation under the procedures employed and the probable value of additional safeguards; and

c. the Government's interest, including any administrative burden associated with additional procedures.

95. Here, Petitioner's liberty interest is among the most significant recognized by constitutional law.

96. The Government seeks to continue depriving Petitioner of her physical liberty through civil detention.

97. Under those circumstances, due process requires procedures reasonably calculated to ensure that detention rests upon accurate, individualized findings rather than generalized assumptions.

98. The Constitution therefore protects substance as well as form. A hearing that merely creates the appearance of individualized review without genuinely evaluating the evidence cannot satisfy the Fifth Amendment. As numerous courts have recognized, procedural due process is violated not only when no hearing occurs, but also when the procedures employed create an unacceptably high risk that liberty will be erroneously withdrawn.

B. Petitioner Possesses a Protectable Liberty Interest

99. Petitioner's liberty interest arises from multiple independent sources.

100. First, every person physically present within the United States possesses a constitutional interest in freedom from physical restraint.

101. Second, prior to her detention, Petitioner lived openly within the community for more than twenty-one years. She maintained employment. She supported her United States citizen children. She established extensive

family and community ties. Her liberty therefore was not theoretical. It was an existing condition recognized and tolerated by the Government for decades before her detention.

102. Recently, the United States District Courts for have recognized that a noncitizen acquires a protectable liberty interest when the Government grants release pending removal proceedings and thereafter seeks to revoke that liberty without constitutionally adequate procedures.

103. Relying upon *Morrissey v. Brewer*, the court explained that governmental recognition of liberty carries with it an implicit promise that such liberty will not thereafter be withdrawn arbitrarily. Although the factual posture differs slightly here, the underlying constitutional principle is identical.

104. Once the Government undertakes to determine whether continued detention is justified, due process requires a genuinely individualized determination supported by meaningful consideration of the evidence.

105. The constitutional inquiry therefore focuses not upon whether a hearing occurred, but whether the hearing reliably determined that continued incarceration remained necessary.

C. Individualized Decision-Making Is the Constitutional Safeguard Against Arbitrary Detention

106. Individualized decision-making has long served as the principal constitutional safeguard separating permissible civil detention from arbitrary imprisonment.

107. Immigration Judges are required to evaluate the totality of the circumstances, including family ties, employment history, residence, community support, criminal history, prior compliance with legal obligations, and all other factors bearing upon danger and flight risk.

108. That individualized assessment exists because generalized characteristics frequently shared by millions of respondents cannot reliably predict whether a particular individual presents an unmitigable risk of flight.

109. Indeed, characteristics such as unlawful entry, lack of lawful immigration status, unauthorized employment, or the theoretical ability to remain within the community describe substantial portions of the noncitizen population appearing before the Immigration Courts.

110. Standing alone, those characteristics reveal little about whether a particular individual is likely to appear for future proceedings.

111. If such generalized characteristics alone were sufficient to establish an unmitigable flight risk, individualized custody determinations would become largely illusory.

112. Virtually every respondent charged under INA § 212(a)(6)(A)(i) could be detained indefinitely based upon characteristics common to the charged population itself.

113. The Constitution does not permit such categorical reasoning to substitute for individualized factual findings.

114. Instead, due process requires a genuine evaluation of the person before the Court.

115. Where an Immigration Judge gives dispositive weight to generalized characteristics while failing to meaningfully engage with overwhelming individualized evidence demonstrating stability, community ties, and reliability, the resulting custody determination ceases to function as the individualized process required by the Fifth Amendment.

B. Continued Detention Must Bear a Reasonable Relationship to Its Regulatory Purpose

116. Civil detention remains constitutionally permissible only so long as it bears a reasonable relationship to its regulatory objectives.

117. Once the Government fails to establish, through constitutionally adequate procedures, that continued detention is actually necessary to

protect the public or ensure future appearance, continued imprisonment loses its regulatory justification.

118. Detention thereafter becomes increasingly arbitrary because it rests not upon individualized necessity but upon the existence of detention itself.

119. Habeas corpus exists precisely to remedy that continuing deprivation of liberty.

120. Because Respondents failed to provide the meaningful individualized determination required by the Constitution, Petitioner's continued detention no longer bears the reasonable relationship to legitimate governmental interests required by the Fifth Amendment.

121. Immediate release therefore constitutes the appropriate constitutional remedy.

CLAIM FOR RELIEF

COUNT I

CONTINUED DETENTION VIOLATES THE FIFTH AMENDMENT BECAUSE RESPONDENTS FAILED TO PROVIDE THE MEANINGFUL INDIVIDUALIZED PROCESS REQUIRED

122. Petitioner realleges and incorporates by reference each preceding allegation as though fully set forth herein.

123. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. Freedom from

physical restraint occupies the highest echelon of constitutionally protected liberty interests.

124. Civil immigration detention therefore may continue only through procedures reasonably calculated to ensure that continued incarceration is actually necessary to further legitimate governmental objectives.

125. The District Court previously determined that Petitioner was constitutionally entitled to an individualized custody determination before continued detention could be justified. Respondents thereafter conducted a custody hearing before an Immigration Judge.

126. The constitutional question presented here is not whether a hearing occurred. The constitutional question is whether the hearing meaningfully determined that Petitioner's continued incarceration was actually necessary. It did not.

127. Petitioner presented overwhelming evidence demonstrating that she posed neither a danger to the community nor an unmanageable risk of flight.

128. The Government introduced no individualized evidence demonstrating that Petitioner posed a danger to the community. Nor did Respondents identify any materially changed circumstances arising during Petitioner's decades of residence in the United States that would suddenly render incarceration necessary. Nevertheless, the Immigration Judge

concluded that Petitioner represented an unmitigable flight risk. That conclusion cannot be reconciled with the evidentiary record presented during the hearing.

129. Due process does not permit continued imprisonment based upon conclusory determinations unsupported by meaningful engagement with the evidence. A constitutionally adequate custody determination requires more than announcing a conclusion.

130. It requires reasoned decision-making demonstrating that the adjudicator actually considered the individualized facts bearing upon danger, flight risk, and the availability of less restrictive alternatives.

131. The hearing conducted here failed to perform that constitutional function. Rather than evaluating the unique facts of Petitioner's case, the resulting custody determination relied primarily upon generalized characteristics that apply to substantial numbers of respondents appearing before the Immigration Courts.

132. Characteristics such as unlawful entry, lack of lawful immigration status, prior unauthorized employment, or the theoretical ability to remain within the community are not individualized indicators of flight. Those characteristics are instead common attributes shared by millions of noncitizens residing within the United States. If those generalized

characteristics alone suffice to establish an unmitigable flight risk, individualized custody determinations become largely meaningless.

133. Virtually every respondent charged under INA § 212(a)(6)(A)(i) could be detained indefinitely regardless of family ties, employment history, community support, or decades of demonstrated compliance with civil society. Such categorical reasoning is fundamentally incompatible with the individualized decision-making required by the Due Process Clause.

134. The Constitution demands an assessment of this Petitioner—not an assessment of an entire class of respondents. Equally significant, Respondents never demonstrated why any perceived risk could not be addressed through conditions substantially less restrictive than continued incarceration.

135. Bond, electronic monitoring, periodic reporting requirements, employment restrictions, residence requirements, supervision by family members, financial sponsorship, and numerous other conditions routinely employed in immigration proceedings were either ignored or rejected without meaningful explanation.

136. Due process requires consideration of whether reasonable alternatives to incarceration adequately serve the Government's regulatory interests before continued physical detention may be justified.

137. No such individualized consideration appears in the custody determination here. The hearing therefore created precisely the type of substantial risk of erroneous deprivation identified in *Mathews v. Eldridge*.

138. The constitutional deficiency is particularly pronounced because Petitioner had already obtained federal habeas relief establishing her entitlement to an individualized custody determination.

139. Having been directed to provide constitutionally adequate process, Respondents could not satisfy that obligation through a proceeding that merely created the appearance of individualized review while leaving Petitioner's substantial unrebutted evidence effectively unaddressed.

140. The Due Process Clause protects against arbitrary governmental deprivation of liberty. It protects substance, not ceremony.

141. Because the procedures employed during Petitioner's custody hearing failed to provide the meaningful individualized determination required by the Fifth Amendment, Petitioner's continued detention remains unconstitutional.

142. Every additional day of Petitioner's confinement therefore constitutes a continuing violation of the Due Process Clause.

143. Under these circumstances, another remand for another custody hearing would inadequately protect Petitioner's constitutional liberty.

Respondents have already been afforded a full opportunity to justify continued detention through constitutionally adequate procedures. They failed to do so. The traditional function of the Great Writ is to terminate unlawful executive detention.

144. Petitioner is therefore entitled to immediate release from immigration custody under reasonable conditions of supervision established by this Court.

COUNT II

CONTINUED DETENTION IS ARBITRARY AND VIOLATES THE FIFTH AMENDMENT BECAUSE IT NO LONGER BEARS A REASONABLE RELATIONSHIP TO ITS REGULATORY PURPOSE

145. Petitioner realleges and incorporates by reference all preceding paragraphs.

146. Civil immigration detention is constitutionally permissible only because it serves limited regulatory purposes, principally ensuring a respondent's appearance at future proceedings and protecting the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 527-28 (2003).

147. Once detention no longer reasonably advances those objectives, continued incarceration becomes arbitrary and violates the Due Process Clause. Respondents have never established that Petitioner poses a danger to

the community. Indeed, the record reflects the opposite. Petitioner has no criminal history, has lived peacefully in the United States for more than twenty-five years, has maintained steady employment, supports three United States citizen children, and possesses extensive family and community ties.

148. Nor have Respondents demonstrated that Petitioner presents an unmitigable risk of flight.

149. The evidence submitted during Petitioner's custody proceedings established substantial reasons why Petitioner would continue to appear, including her longstanding residence, family obligations, pending applications for relief, stable residence, financial sponsorship, and decades of productive participation in her community.

150. Nevertheless, Respondents continue to incarcerate Petitioner based upon generalized assumptions rather than individualized evidence demonstrating that detention is actually necessary.

151. The Government may not justify continued detention by relying upon characteristics common to broad categories of noncitizens while disregarding compelling evidence demonstrating that this particular Petitioner presents neither a danger nor an unmanageable risk of flight.

152. Such reasoning converts individualized civil detention into categorical detention and impermissibly shifts the constitutional inquiry from whether

this Petitioner requires incarceration to whether members of an entire class generally share certain characteristics.

153. The Fifth Amendment does not permit deprivation of physical liberty on so generalized a basis. The constitutional inquiry remains whether continued detention is reasonably necessary under the particular facts presented.

154. Here, Respondents have failed to make that showing. Because Petitioner's continued detention no longer bears a reasonable relationship to the legitimate regulatory purposes that alone justify civil immigration detention, her confinement has become arbitrary within the meaning of the Fifth Amendment.

155. Continued incarceration under these circumstances exceeds the constitutional limits governing civil detention and constitutes an ongoing deprivation of Petitioner's liberty without due process of law.

156. Petitioner is therefore entitled to immediate release through the issuance of the writ of habeas corpus.

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COUNT III

RESPONDENTS CONTINUE TO DEPRIVE PETITIONER OF A JUDICIALLY RECOGNIZED LIBERTY INTEREST WITHOUT CONSTITUTIONALLY ADEQUATE JUSTIFICATION

157. Petitioner realleges and incorporates by reference all preceding paragraphs.

158. Prior to the custody hearing challenged herein, a United States District Court determined that Petitioner's continued detention could not constitutionally continue absent an individualized custody determination consistent with the Due Process Clause.

159. That ruling necessarily recognized that Petitioner's physical liberty could not thereafter be withdrawn or withheld except through constitutionally adequate procedures. The constitutional significance of that determination extends beyond the mere scheduling of a hearing.

160. Once a federal court has recognized that continued detention requires an individualized constitutional justification, the Government bears the obligation of ensuring that any subsequent deprivation of liberty satisfies the requirements of due process.

161. Recently, district courts addressing materially similar circumstances held that a noncitizen acquires a protectable liberty interest when the Government previously grants release during removal proceedings and

thereafter seeks to revoke that liberty without constitutionally adequate procedures.

162. Relying upon *Morrissey v. Brewer*, that court explained that governmental recognition of liberty carries with it an implicit promise that such liberty will not thereafter be withdrawn arbitrarily.

163. The same constitutional principle governs here. Although Respondents conducted a custody hearing following the prior habeas proceedings, the Constitution required far more than the mere occurrence of a hearing.

164. It required a genuine, individualized determination demonstrating that Petitioner's continued incarceration remained necessary under the particular facts of her case. That determination never occurred.

165. Instead, Respondents continue to imprison Petitioner despite overwhelming unrebutted evidence demonstrating that she has lived peacefully in the United States for more than twenty-fone years, has no criminal history, has extensive family and community ties, supports four United States citizen children, has stable housing and financial sponsorship available upon release, and possesses compelling incentives to continue appearing in her removal proceedings.

166. Nothing in the record demonstrates that these individualized facts were meaningfully weighed against the generalized factors relied upon to justify detention.

167. Due process requires more than recitation of a legal conclusion. It requires reasoned decision-making sufficient to demonstrate that the deprivation of liberty rests upon individualized findings rather than categorical assumptions.

168. The Constitution cannot tolerate a process in which overwhelming individualized evidence is effectively displaced by generalized characteristics common to broad classes of respondents.

169. If such generalized characteristics alone suffice to justify detention notwithstanding overwhelming contrary evidence, the constitutional protection recognized by the prior habeas judgment becomes illusory.

170. The Due Process Clause protects individuals—not categories. It therefore requires the Government to justify the continued imprisonment of this Petitioner based upon her own conduct, history, circumstances, and demonstrated likelihood of compliance.

171. Respondents have failed to make that showing. Petitioner's continued detention therefore constitutes an ongoing deprivation of a judicially

recognized liberty interest without the constitutionally adequate justification required by the Fifth Amendment.

172. Under these circumstances, another remand for another custody hearing would serve little constitutional purpose. Respondents have already been afforded a full and fair opportunity to establish that Petitioner's continued incarceration is necessary.

173. Having failed to do so through constitutionally adequate procedures, Respondents may not continue to deprive Petitioner of her liberty while seeking repeated opportunities to justify detention.

174. The traditional office of the writ of habeas corpus is to terminate unlawful executive restraint. Because Respondents continue to detain Petitioner without constitutionally sufficient justification, the writ should issue directing Petitioner's immediate release under reasonable conditions of supervision.

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COUNT IV

CONTINUED DETENTION EXCEEDS THE AUTHORITY GRANTED BY THE IMMIGRATION AND NATIONALITY ACT BECAUSE RESPONDENTS FAILED TO EXERCISE THE INDIVIDUALIZED DISCRETION REQUIRED BY 8 U.S.C. § 1226(A)

175. Petitioner realleges and incorporates by reference all preceding paragraphs.

176. Petitioner's detention is governed by 8 U.S.C. § 1226(a). Section 1226(a) authorizes detention only after the exercise of individualized discretion concerning whether continued custody is necessary to ensure the respondent's appearance or protect the community. The statute therefore contemplates an actual exercise of judgment based upon the particular facts of the individual case.

177. Congress did not authorize categorical detention based upon generalized assumptions applicable to broad classes of respondents.

178. Nor did Congress authorize detention based upon conclusory findings that fail to meaningfully engage with the evidence presented.

179. The regulations implementing § 1226 likewise require consideration of the totality of the circumstances, including the respondent's family ties, employment history, length of residence, community connections, criminal history, record of appearance, eligibility for relief, and all other relevant evidence bearing upon danger or flight risk.

180. Petitioner presented substantial evidence addressing each of those factors. The evidence established decades of residence in the United States, steady employment, four United States citizen children, stable housing, financial sponsorship, significant community ties, pending applications for relief, and the complete absence of any criminal history.

181. Respondents introduced no individualized evidence demonstrating that Petitioner presented a danger to the community. Nor did Respondents establish that no reasonable condition or combination of conditions could adequately address any perceived risk of nonappearance.

182. Nevertheless, Petitioner's continued detention rests upon generalized conclusions that fail to demonstrate the individualized exercise of discretion required by § 1226(a).

183. Where an adjudicator gives dispositive weight to generalized characteristics while failing to meaningfully evaluate overwhelming individualized evidence, the resulting decision ceases to represent the discretionary determination contemplated by Congress.

184. Instead, the decision effectively substitutes a presumption of detention for the individualized judgment required by statute.

185. Such a result is inconsistent with both the text and purpose of § 1226(a), which entrusts Immigration Judges with the responsibility of

making individualized custody determinations based upon the totality of the evidence presented.

186. The record here demonstrates that Petitioner's individualized evidence did not receive the meaningful consideration required by the statute.

187. Accordingly, Respondents continue to detain Petitioner in excess of the authority conferred by the Immigration and Nationality Act.

188. Habeas corpus is the traditional and appropriate vehicle for challenging executive detention that exceeds statutory authority. Because Petitioner's continued detention is not supported by the individualized discretionary determination required by § 1226(a), Respondents are acting in excess of their lawful authority.

189. Petitioner is therefore entitled to the issuance of the writ and to her immediate release under reasonable conditions of supervision

COUNT V

THE GREAT WRIT REQUIRES PETITIONER'S IMMEDIATE RELEASE BECAUSE RESPONDENTS HAVE ALREADY RECEIVED A FULL OPPORTUNITY TO JUSTIFY CONTINUED DETENTION

190. Petitioner realleges and incorporates by reference all preceding paragraphs.

191. Habeas corpus has long served as the principal constitutional safeguard against unlawful executive detention. The traditional function of

the writ is not merely to identify constitutional error, but to terminate unlawful restraints upon liberty.

192. Respondents have already received a full and fair opportunity to establish that Petitioner's continued detention is necessary. Following the prior grant of federal habeas relief, Respondents were afforded the opportunity to conduct a constitutionally adequate individualized custody determination. That opportunity has now occurred.

193. Nevertheless, Respondents failed to establish, through meaningful individualized findings supported by the record, that Petitioner's continued incarceration is necessary to protect the community or ensure her future appearance.

194. Instead, Petitioner's detention continues despite overwhelming evidence demonstrating her lengthy residence in the United States, extraordinary family and community ties, longstanding employment, complete absence of criminal history, and substantial incentives to appear in her immigration proceedings.

195. Under these circumstances, the constitutional injury cannot be remedied by simply providing Respondents additional opportunities to justify detention. Due process requires meaningful process—not repeated process.

196. Were the Government permitted to continue detaining an individual until it eventually conducted a constitutionally sufficient hearing, the liberty interest protected by the Fifth Amendment would become increasingly diminished with each unsuccessful attempt.

197. The Constitution does not contemplate an endless cycle of detention, deficient hearings, and remands while the deprivation of liberty continues uninterrupted. At some point, the Government must either establish through constitutionally adequate procedures that continued detention is justified or restore the individual's liberty. That point has been reached here.

198. Petitioner's continued detention no longer reflects a temporary regulatory measure reasonably related to the purposes of civil immigration detention. Instead, it has become an ongoing deprivation of liberty unsupported by constitutionally adequate findings or meaningful individualized justification.

199. The equitable nature of habeas corpus further supports immediate release. No legitimate governmental interest is served by continuing to imprison an individual whom Respondents have failed to demonstrate is either dangerous or an unmanageable flight risk after being afforded a full opportunity to do so.

200. By contrast, each additional day of Petitioner's confinement inflicts an irreparable deprivation of the most fundamental liberty protected by the Constitution.

201. The balance of equities and the public interest therefore favor restoration of Petitioner's liberty pending the resolution of her removal proceedings under reasonable conditions of supervision. Immediate release is also consistent with the limited regulatory purpose of immigration detention, preserves the constitutional distinction between civil detention and punishment, and ensures that the writ of habeas corpus remains an effective safeguard against unlawful executive imprisonment.

202. Accordingly, because Respondents have failed to constitutionally justify Petitioner's continued detention after being afforded a meaningful opportunity to do so, the Court should issue the writ and order Petitioner's immediate release under reasonable conditions of supervision rather than remanding for another custody hearing.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and enter judgment in her favor as follows:

A. Assume jurisdiction over this action pursuant to 28 U.S.C. §§ 2241, 1331, 2201, and 2202;

B. Issue a Writ of Habeas Corpus declaring that Petitioner's continued detention violates the Fifth Amendment to the United States Constitution and exceeds the authority granted under the Immigration and Nationality Act;

C. Declare that Respondents failed to provide the meaningful individualized custody determination required by the Due Process Clause notwithstanding the bond hearing conducted following Petitioner's prior grant of habeas relief;

D. Declare that Petitioner's continued detention no longer bears a reasonable relationship to the legitimate regulatory purposes of civil immigration detention because Respondents have failed to establish through constitutionally adequate procedures that Petitioner presents either a danger to the community or an unmitigable risk of flight;

E. Declare that Respondents failed to exercise the individualized discretion required by 8 U.S.C. § 1226(a) and instead continued Petitioner's detention through generalized assumptions rather than meaningful consideration of the evidence presented;

F. Order Petitioner's immediate release from immigration custody under such reasonable conditions of supervision as this Court deems appropriate;

G. Restore Petitioner to the liberty status she enjoyed prior to her detention unless and until Respondents lawfully establish, through constitutionally adequate procedures, that a future deprivation of liberty is justified;

H. Enjoin Respondents from re-detaining Petitioner absent constitutionally sufficient procedures consistent with the requirements of the Fifth Amendment, including a genuinely individualized determination supported by specific factual findings demonstrating that continued detention is necessary to protect the community or ensure Petitioner's appearance;

I. Enjoin Respondents from relying solely or principally upon generalized characteristics common to broad categories of noncitizens—including unlawful entry, lack of lawful immigration status, unauthorized employment, or other characteristics not unique to Petitioner—as substitutes for individualized findings establishing that this particular Petitioner presents an unmitigable risk of flight;

J. Enjoin Respondents from depriving Petitioner of her liberty based upon conclusory findings unsupported by meaningful consideration of the entire evidentiary record;

K. Award Petitioner her reasonable attorneys' fees, litigation expenses, and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable provision of law;

L. Retain jurisdiction over this matter to enforce the Court's judgment and to ensure compliance with all relief granted herein; and

M. Grant such other and further legal or equitable relief as this Court deems just, proper, and necessary to remedy the ongoing violation of Petitioner's constitutional rights.

Alternatively

N. Should the Court conclude that immediate release is not warranted, Petitioner respectfully requests that the Court:

a. Vacate the Immigration Judge's custody determination as constitutionally deficient;

O. Order a new custody hearing before a different Immigration Judge;

P. Require that the Government bear the burden of proving, by clear and convincing evidence, that Petitioner's continued detention is necessary because no condition or combination of conditions can reasonably mitigate any demonstrated risk of flight or danger to the community;

Q. Require the Immigration Judge to issue a written decision containing individualized findings addressing all material evidence submitted by

both parties, including Petitioner's family ties, employment history, length of residence, community support, criminal history, eligibility for immigration relief, and the availability of less restrictive alternatives to detention; and

R. Grant such additional relief as the Court determines is necessary to ensure compliance with the Fifth Amendment and the Immigration and Nationality Act.

Dated this 7th day of July, 2026.



Carlos Barrios

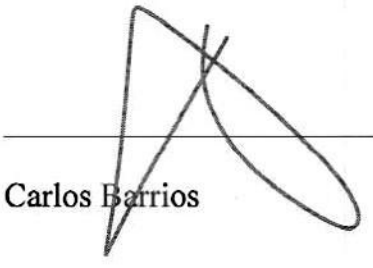
VERIFICATION BY PETITIONER PURSUANT TO 28 U.S.C. § 2242

I, Carlos Barrios am submitting this verification on behalf of ANDREA RENOJ-XILOCH, who is currently detained by the U.S. Department of Homeland Security at the ADELANTO DETENTION FACILITY in Adelanto, California. Petitioner is being held under conditions that severely restrict or prevent meaningful communication with the outside world.

As a result, she is unable to review or sign this petition personally or to prepare and file it on her own behalf.

I have communicated with Petitioner to the extent possible and have obtained the factual information contained in this Petition from my direct knowledge, records, and reliable sources. I hereby verify that, to the best of my knowledge and belief, the factual statements contained in the attached Petition for Writ of Habeas Corpus are true and correct, and that I could testify to those facts if called upon to do so.

Date: 7-7-2026



Carlos Barrios